



JUL 20 2005

The Honorable Dave Heineman
Governor of Nebraska
Post Office Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Heineman:

It is with pleasure that I respond to the State of Nebraska's request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, subtitles B and E and Sections 8-10 of the Wagner-Peyser Act. In the Strategic State Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act for the two-year period, July 1, 2005, through June 30, 2007, the state submitted six waiver requests. The state withdrew the following two requests on June 29, 2005: 1) the request to waive reporting for participants served under statewide funds; and 2) the request to waive competitive procurement requirements for youth training providers. The following is the disposition of the state's waiver submission (copy enclosed).

Requested Waiver 1: Extension of the waiver of the time limit on the period of initial eligibility at 20 CFR 663.530.

The state indicates that this extension will help address the continuing difficulties in the collection of "all student" information from training providers. Without an extension, the state is concerned that many training providers are likely to opt out of the Eligible Training Provider system, thus limiting customer choice. This request is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e). Accordingly, the State of Nebraska is granted an extension of the waiver, through June 30, 2007.

Requested Waiver 2: Waiver to increase the transfer authority from the current 30 percent to 100 percent for Adult and Dislocated Worker funds.

This waiver request for funds transferability is consistent with one of the improvements that the Administration is seeking in the reauthorization of the Workforce Investment Act—the consolidation of the WIA Adult, WIA Dislocated Worker and Wagner-Peyser Act (Employment Service) funding streams. This request is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e).

Accordingly, the State of Nebraska is granted a waiver of the funds transfer limitation at WIA Section 133(b)(4), through June 30, 2007. The waiver allows the state to approve local area requests to transfer up to 100 percent of local area allocations between the WIA Adult and Dislocated Worker programs.

Requested Waiver 3: Waiver to allow youth who are enrolled in alternative school programs to count as out-of-school youth upon registration in the WIA program.

ETA's new strategic youth vision focuses on meeting the educational deficits of out-of-school youth by getting them reconnected to school in alternative educational settings. ETA recognizes Nebraska's unique difficulty, as detailed in this request, in meeting the 30 percent out-of-school youth expenditure requirement due to Nebraska's state education policy that prevents youth from dropping out of school and instead refers them directly to alternative school. This request is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e).

Accordingly, we are providing a waiver of the local elements and requirements for the Youth Program at WIA 129(c)(4)(A), to allow any in-school youth in Nebraska who is transferred to an alternative school and is already enrolled in an alternative school at the time of WIA enrollment, to count toward the 30 percent out-of-school youth expenditure requirement. For this waiver to apply, the alternative school must grant a high-school diploma and adhere to the state standards developed in response to the No Child Left Behind Act or grant a GED and have an explicit connection to post-secondary education opportunities. This waiver applies solely to the youth who meet the conditions above. We hope this flexibility allows the state to meet its goals in serving out-of-school youth.

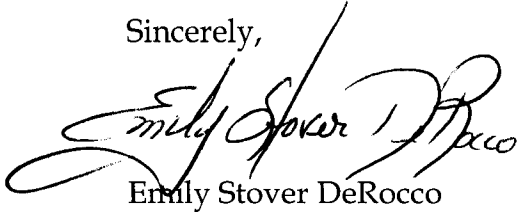
Requested Waiver 4: Waiver to omit the submission of a formal America's Labor Market Information System (ALMIS) Grant Application.

The state indicates that a waiver would eliminate the duplication of staff resources to develop two plans, the Strategic Plan and the ALMIS grant plan, with similar purposes. The Workforce Information Core Products and Services Grants to states continue to be funded separately and require separate planning, reporting and financial tracking. While we support the state's goal of streamlining the planning process, we cannot approve a waiver at this time. The Department has proposed consolidating the ALMIS funding for the workforce information core products and services and workforce investment board support into the WIA Plus Consolidated Grant Program. If Congress acts favorably on this proposal, duplicative planning, reporting, and fund tracking will be eliminated in favor of a single planning process that includes full integration of workforce information funding and services in the state's workforce investment strategy.

As provided for under paragraph 3 of the executed Agreement, the approved waivers are incorporated by reference into the state's WIA Grant Agreement. A copy of this letter should be filed with the state's WIA Grant Agreement and the state's Strategic Plan, as appropriate.

We look forward to continuing our partnership with you and achieving better workforce investment outcomes. We are prepared to entertain other state and local level waiver requests that you may wish to submit, consistent with the provisions of the WIA statute and regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Stover DeRocco". The signature is fluid and cursive, with a large initial "E" and "D".

Emily Stover DeRocco

Enclosure